

**ENTERED**

December 18, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JOHN WYATT COMPANY, LTD.,  
& THOMAS BROWNELL,  
Plaintiffs,

VS.

MID-CONTINENT CASUALTY CO.,  
Defendant.

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CIVIL NO. B-15-201

**ORDER**

Pending is the Magistrate Judge's November 29, 2017, Report and Recommendation in the above-referenced cause of action. [Doc. No. 44] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, Mid-Continent Casualty Company's (hereinafter "MCC") Motion for Summary Judgment Addressing Plaintiffs' First Amended Complaint [Doc. No. 41] is granted in part and denied in part. The Court denies MCC's Motion for Summary Judgment as it pertains to Plaintiffs' claim for breach of contract and Plaintiffs' request for the entry of a declaratory judgment and grants MCC's motion for Summary Judgment as it pertains to Plaintiffs' claims for tortious interference and breach of good faith and fair dealing.

Signed this 18<sup>th</sup> day of December, 2017.



Andrew S. Hanen  
United States District Judge